

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NYLES LAWAYNE WATSON,

Petitioner,

No. CIV S-03-1150 LKK EFB P

vs.

TOM L. CAREY, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On November 15, 2006, the magistrate judge filed findings and recommendations recommending petitioner's application for a writ of habeas corpus be denied. Petitioner filed objections on December 8, 2006. By an order filed January 26, 2007, the undersigned remanded the case to the magistrate judge to determine what effect, if any, the recent Supreme Court decision Cunningham v. California, 127 S.Ct. 856, 870-71 (2007), had on petitioner's claims. On June 13, 2008, the magistrate judge filed supplemental findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fifteen days. Petitioner has filed


1 objections to the findings and recommendations.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
3 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
4 file, the court finds the findings and recommendations to be supported by the record and by
5 proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed June 13, 2008, are adopted in full;
8 2. The court finds that the ruling in Cunningham v. California, 127 S.Ct. 870-71,
9 has no effect on this petition;
10 3. The findings and recommendations filed November 15, 2006, are adopted in
11 full; and
12 4. Petitioner's application for a writ of habeas corpus is denied.

13 DATED: August 20, 2008.

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16 LAWRENCE K. KARLTON
17 SENIOR JUDGE
18 UNITED STATES DISTRICT COURT
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